

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

HAROLD R. BERK,

Plaintiff,

v.

WILSON C. CHOY, M.D., et al.,

Defendants.

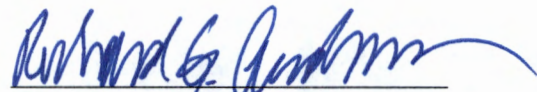
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Civil Action No. 22-1506-RGA

ORDER DISMISSING CASE

For the reasons stated in the accompanying Memorandum, upon review of Defendants' motions for in camera review of affidavit of merit (D.I. 32, 33, 34), I have determined Plaintiff has not complied with Delaware's affidavit of merit statute.<sup>1</sup> Plaintiff's three medical negligence counts are **DISMISSED** without prejudice. Plaintiff's motion to withdraw fourth, fifth, and sixth causes of action (D.I. 53) is **GRANTED**. The other pending motions (D.I. 44, 46, 50, 72) are **DISMISSED** as moot. As all claims have been dismissed or withdrawn, the Clerk of Court is directed to **CLOSE** the case.

IT IS SO ORDERED this 4<sup>th</sup> day of April 2023.

  
United States District Judge

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<sup>1</sup> I **GRANT** Plaintiff's motion for leave to file a sur-reply. (D.I. 42).